

1  
2  
3  
4  
5  
6  
7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
9

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JOEL FLORIANO-MARTINEZ,

14 Defendant.  
15

Case No. 2:12-CR-00246-KJD-GWF

**ORDER**

16 Presently before the Court is Defendant's Motions for Revocation of Supervised Release  
17 (#37/40). The Government filed a response in opposition (#45) to which Defendant replied (#46).

18 Defendant was adjudicated guilty of illegal reentry on January 30, 2013. He was sentenced to  
19 thirty-three (33) months custody and five years supervised release. See Doc. No. 27. On or about  
20 September 6, 2014, Defendant was released from custody and subsequently deported. On or about  
21 May 8, 2015, Martinez was arrested again for illegal reentry. On August 26, 2015, an arrest warrant  
22 was issued by the Court for Defendant's violation of the terms and conditions of his supervised  
23 release, based on his 2015 illegal reentry.

24 Defendant seeks execution of the arrest warrant and hearing on the revocation of his  
25 supervised release imposed in this action. However, a Defendant has no liberty interest in execution,  
26 hearing and possible sentencing in this action until he is in custody based on execution of the warrant

1 in this case. See Moody v. Daggett, 429 U.S. 78 (1976); United States v. Romero, 511 F.3d 1281  
2 (10th Cir. 2008). Delay in supervised release proceedings while Defendant is in custody in another  
3 federal district on other charges or sentence is usually reasonable. See United States v. Morales-  
4 Isabarras, 745 F.3d 398, 403 (9th Cir. 2014); United States v. Madden, 515 F.3d 601, 608 (6th Cir.  
5 2008). Here, Plaintiff has not shown any delay is unreasonable. Further, he has shown no compelling  
6 reason to expedite revocation proceedings, other than his personal convenience.

7 Accordingly, IT IS HEREBY ORDERED that Defendant's Motions for Revocation of  
8 Supervised Release (#37/40) are **DENIED**.

9 DATED this 18<sup>th</sup> day of April 2017.

10  
11  
12 

13 Kent J. Dawson  
14 United States District Judge  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26